

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AFFLICTION HOLDINGS, LLC,

No C 10-0933 VRW

Plaintiff,

ORDER PERMITTING
WITHDRAWAL OF COUNSEL

v

SIMON CHEN et al,

Defendants.

On June 6, 2010, counsel for plaintiff Affliction Holdings LLC moved for permission to withdraw as attorneys of record for plaintiff. Doc #38. No opposition to the motion was filed. Counsel declares that plaintiff has not responded to counsel's numerous attempts to contact plaintiff. Doc #39 ¶3. Counsel declares further that counsel informed plaintiff on May 21, 2010 of their intention to withdraw as counsel. Id. No substitute counsel has entered an appearance. Default was entered against defendants on April 20, 2010. Doc #35.

\\

1 Counsel base their request to withdraw on Cal RPC 3-
2 700(C)(1)(d), arguing that plaintiff's refusal to communicate with
3 counsel has rendered representation "unreasonably difficult." The
4 court agrees and determines that counsel has shown good cause to
5 withdraw. Pursuant to Civ LR 11-5(a), the court may permit
6 withdrawal of counsel when the client and all other parties who
7 have appeared are given written notice "reasonably in advance" of
8 the withdrawal. Plaintiff was given notice of counsel's intent to
9 withdraw on May 21, 2010. Doc #39 ¶3. The intervening time period
10 has provided plaintiff with sufficiently reasonable time to secure
11 new counsel.

12 Counsel are DIRECTED to serve on plaintiff a copy of this
13 order and a copy of the order to show cause filed herewith.
14 Counsel shall file proof of service on plaintiff, at which time
15 counsel's motion for permission to withdraw shall be GRANTED. Doc
16 #38. The hearing scheduled for September 9, 2010 is VACATED.

17
18
19 IT IS SO ORDERED.

20 
21 _____

22 VAUGHN R WALKER
23 United States District Chief Judge
24
25
26
27
28